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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2854 OF 2006
IN
FIRST APPEAL NO.1446 OF 2006

Gul Rupchand Kriplani & anr. Applicants
versus
MCGB and another Respondents

Mr.Vineet B. Naik for applicants.

Mr.V.D.Govilkar i/by Bhavesh Parmar for respondent no.2.

CORAM : A.S.OKA, J.

DATE : 01st March 2007

PC :

1. Heard learned advocates appearing for parties.

2. First Appeal is already admitted for final hearing and hence notice dated 10th June 2003 issued by first respondent cannot be allowed to be implemented. Hence, till final disposal of the appeal, the first respondent Corporation will not take any action on the basis of notice dated 10th June 2003 which is subject matter of challenge in the suit.

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3. Grant of this interim relief will not preclude the second respondent from taking out appropriate proceedings for removal of fencing/ offending structure. If such proceeding is taken out, it is obvious that the contentions of both the parties will be expressly open. Civil Application is disposed of in above terms.

(A.S.OKA, J.)